

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 19, 2004**

Holiday

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 20, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., O'Leary, J., Moore, J., Fybel, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G026435 PETER J. CAUDILLO

Merits. Cause called. Amanda Benedict argues for appellant. Peter Quan, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031026 DAVID R. GOMEZ

Merits. Cause called. Gerald P. Peters argues for appellant. Anthony DaSilva, Deputy Attorney General argues for respondent. Appellant and respondent to file supplemental briefs by 4:00 p.m. on January 30, 2004. Appellant and respondent may file a response by 4:00 p.m. on February 6, 2004. Cause to be submitted on February 6, 2004.

CRIM THE PEOPLE
No. v.
G030674 FERNANDO MELENDREZ

Merits. Cause called. William J. Kopeny argues for appellant. Roberta Davis, Deputy Attorney General argues for respondent. Appellant and respondent to file supplemental briefs by 4:00 p.m. on January 30, 2004. Appellant and respondent may file a response by 4:00 p.m. on February 6, 2004. Cause to be submitted on February 6, 2004.

CRIM THE PEOPLE
No. v.
G031185 SATURNINO C. CORTEZ

Merits. Cause called. Neil F. Auwarter argues for appellant. Roberta Davis, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 20, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032415 SOLOMON CARBAJAL

Merits. Cause called. Michael I. Garey argues for appellant. David Delgado-Rucci, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL AMERICAN INTERBANC MORTGAGE
No. v.
G032166 AMERISAVE MORTGAGE CORP.
G032344

Merits. Cause called. Sean T. Nguyen argues for appellant and cross-respondent Amerisave Mortgage Corporation. Douglas W. Bordewieck argues for appellants Bankrate, Inc. and Bankrate.Com. Duke F. Wahlquist argues for respondent and cross-appellant American Interbanc Mortgage LLC. Parties to file supplemental briefs by 4:00 p.m. on January 30, 2004. Parties may file a response by 4:00 p.m. on February 6, 2004. Cause to be submitted on February 6, 2004.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 20, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., Aronson, J., and Fybel, J. M. Urena, Deputy Clerk attending.

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| CIVIL | ORANGE COUNTY SOCIAL |
| No. | SERVICES AGENCY |
| G032336 | v. BETTY G. |

Merits. Cause called. Kate M. Chandler argues for appellant. Mark R. Howe, Deputy County Counsel argues for respondent. Sharon Rollo argues for the minors. Appellant and respondent are to file supplemental briefs by January 30, 2004. Cause to be submitted January 30, 2004.

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| CRIM | THE PEOPLE |
| No. | v. |
| G031806 | THOMAS R. MERRICK |

Merits. Cause called. Robison Harley argues for appellant. Nancy Song, certified law student argues for respondent. Melissa Mandel, Supervising Attorney General is present. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 21, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., O'Leary, J., Moore, J., and Fybel, J. A. Cajigal, Deputy Clerk attending.

CIVIL KENNETH SMITH
No. v.
G031927 CONTRACT CARPET CORPORATION

Merits. Cause called. James W. Parker argues for appellant. Pamela S. Cooke argues for respondent. Cause submitted.

CIVIL FLORENTINA S.
No. v.
G032657 ORANGE COUNTY SOCIAL SERVICES AGENCY

Merits. Cause called. Richard Pfeiffer argues for appellant. Ward Brady, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL GENE MORAN
No. v.
G032413 GARRETT ZELEN

Merits. Cause called. Appellant Gene Moran argues on his own behalf. Tim Harris argues for respondent. Cause submitted.

CIVIL ROBERT KAHN
No. v.
G031412 SYLVIA FIRESTONE

Merits. Cause called. Stuart Miller appeared for appellant and informed the court that matter settled late January 20, 2004. Charles Barsam appeared for respondent. Court ordered parties to file the stipulation to dismiss the appeal by 4:00 p.m. on January 23, 2004. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 21, 2004 (Cont'd)**

CIVIL GMRI, INC.
No. v.
G031367 MICHELLE WHALEN-CAMACHO

Merits. Cause called. Presiding Justice announced that counsel's stipulation to continue oral argument filed on January 16, 2004, is granted. Notice of new date and time to be given at a later date.

CIVIL VIJAY JOSHI
No. v.
G031885 SAVITHA ACHAR

Merits. Cause called. Appellant Vijay Joshi argues as on his own behalf. Jesdeep S. Ahluwalia argues for respondent. Cause submitted.

CIVIL STUART SILVER
No. v.
G032317 CHON GUTIERREZ, Director of DMV

Merits. Cause called. Gregory L. Parkin argues for appellant. Dana T. Cartozian, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 21, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., O'Leary, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL TRENWITH HOLDINGS, LTD.
No. v.
G030523 NICHOLAS ROCKFELLER
G030985

Merits. Cause called. Bernard E. LeSage argues for appellant. Sara Pfrommer argues for respondent. Parties ordered to file informal letter briefs by 4:00 p.m. on January 30, 2004. Any responsive briefs if desired to be filed by 4:00 p.m. on February 6, 2004. Cause to be submitted by February 6, 2004.

CIVIL JON LONGWAY
No. v.
G031934 AUTONATION, INC.

Merits. Cause called. Marc L. Turman argues for appellant. William M. Crosby argues for respondent. Cause submitted.

CIVIL ARTHUR GARABEDIAN et al.
No. v.
G031165 LOS ANGELES CELLULAR TELEPHONE CO. et al.

Merits. Cause called. J. David Franklin argues for appellants. Steven E. Sletten argues for respondents. Cause submitted.

CIVIL CITY OF ANAHEIM, et al.
No. v.
G031348 TIMOTHY M. WRIGHT

Merits. Cause called. James G. Harker argues for appellant. Debra L. Bray argues for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 21, 2004 (Cont'd)**

CIVIL LWB LIDO PARTNERS
No. v.
G030387 MARVIN ENGINEERING CO., INC.

Merits. Cause called. James M. Harris argues for appellant. Allan Browne argues for respondent. Cause submitted.

CIVIL ROBERT METCALF
No. v.
G031613 U-HAUL INTERNATIONAL, INC.

Merits. Cause called. James R. Evans Jr. argues for appellant. Craig A. Kegel argues for respondent. Parties ordered to file supplemental briefs by 4:00 p.m. on February 20, 2004. Cause to be submitted on February 20, 2004.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 21, 2004 (Cont'd)**

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| CRIM No. G030253 | THE PEOPLE v. ROBERT BOWMAN | Not for publication |
| | Opinion filed. Judgment affirmed. | |
| | We concur: O'Leary, Acting P.J. Fybel, J. | Moore, J. |
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| CRIM No. G031124 | THE PEOPLE v. BERNIE DANIEL GUTIERREZ | Not for publication |
| | Opinion filed. Judgment affirmed and modified. | |
| | We concur: Sills, P.J. Fybel, J. | Moore, J. |
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| CIVIL No. G032318 | ORANGE COUNTY SOCIAL SERVICES AGENCY v. KERRY S. | Not for publication |
| | Opinion filed. Order affirmed. | |
| | We concur: Sills, P.J. Aronson, J. | Bedsworth, J. |
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| CRIM No. G032645 | THE PEOPLE v. THOMAS LESLIE KIRKPATRICK | Not for publication |
| | Opinion filed. Judgment affirmed. | |
| | We concur: O'Leary, J. Fybel, J. | Rylaarsdam, Acting P.J. |

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., O'Leary, J., Moore, J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G031342 ANTHONY GALLAND

Merits. Cause called. Jackie Menaster argues for appellant. Maxine Cutler, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031575 MICHAEL J. HARLEY

Merits. Cause called. Meldie Malone argues for appellant. Diane Nichols argues for respondent. Cause submitted.

CRM THE PEOPLE
No. v.
G031867 JONATHAN L.

Merits. Cause called. Edward J. Haggerty argues for appellant. Taylor Nguyen, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031296 LATU LIAVAA

Merits. Cause called. Joanna McKim argues for appellant. Garrett Beaumont, Deputy Attorney General argues for respondent. Appellant and respondent to file letter briefs by January 29, 2004. Cause to be submitted on January 29, 2004.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G031560 MICHAEL R. RANDALL

Merits. Cause called. Randi D. Covin argues for appellant. Brian Holmes, Certified Law Student argues for respondent. Daniel Rogers, Supervising Attorney General present. Cause submitted.

CRIM THE PEOPLE
No. v.
G031464 FRANCISCO MELGOZA

Merits. Cause called. Betty A. Haight argues for appellant. Douglas Danzig, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031757 RODGER L. PRICE

Merits. Cause called. Allison H. Ting argues for appellant. Kelley A. Johnson, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G030828 ALBERTO AGUILERA

Merits. Cause called. Michael I. Garey argues for appellant. Jeffrey Koch, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031586 JUVENTINO S.

Merits. Cause called. Robert F. McLaughlin argues for appellant. Lisa Jacobson, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031253 JORGE MARTINEZ et al.

Merits. Cause called. Patrick M. Ford argues for appellant Jorge Martinez. Marilee Marshall argues for appellant Carlos Sanchez. Taylor Nguyen, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031204 DAVID S. THOMAS

Merits. Cause called. Katharine E. Greenebaum argues for appellant. Heather Wells, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032011 NICHOLAS B.

Merits. Cause called. Gary Kessler argues for appellant. Robert Foster, Supervising Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031570 ANDRES LOPEZ

Merits. Cause called. Lora F. Martin argues for appellant. Robert Foster, Supervising Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031406 JESUS S. GUZMAN

Merits. Cause called. Betty A. Haight argues for appellant. Kristen Chenelia, volunteer attorney argues for respondent. Daniel Rogers, Supervising Attorney General present. Cause submitted.

CRIM THE PEOPLE
No. v.
G030455 ANDREW R. RODRIGUEZ

Merits. Cause called. Dan Mrotek argues for appellant. Sharon Rhodes, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2004 (Cont'd)**

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| CRIM | THE PEOPLE | Not for publication |
| No. | v. | |
| G030909 | RICHARD ARTHUR MORLEY | |

Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: Moore, J.
Fybel, J.

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| CIVIL | JAMES BENSON | |
| No. | v. | |
| G030956 | KWIKSET CORPORATION et al. | |

Order filed. To permit the filing and consideration of the legislative history material and any supplemental briefs, the submission previously entered in this matter on October 21, 2003 is vacated. The matter will be resubmitted for decision on March 8, 2004.

Sills, P.J.

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| CRIM | MICHAEL FRANK GOODWIN | |
| No. | v. | |
| G031285 | THE SUPERIOR COURT OF ORANGE COUNTY; THE PEOPLE OF THE STATE OF CALIFORNIA | |

Order filed. On the court's own motion, the submission order in the above-entitled case is vacated. The parties are ordered to submit supplemental letter briefs. Pursuant to California Rules of Court, rule 23(e)(1), the matter will be resubmitted on the filing of the final brief or when the time for which to file the final brief has expired on February 17, 2004

Sills, P.J.

We concur: Rylaarsdam, J.
O'Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 22, 2004 (Cont'd)**

CIVIL DEFEND THE BAY, etc.
No. v.
G032062 CITY OF IRVINE;
 THE IRVINE COMPANY

Order filed. In order to permit the court to receive and consider the supplemental briefs, and to further consider the issue raised by the order dated January 6, 2004, submission of this matter is vacated. The matter will be resubmitted on February 2, 2004 for the permitted by law.

Sills, P.J.

We concur: Rylaarsdam, J.
 Bedsworth, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL CAROLINE HARKINS
No. v.
G032342 COMERICA BANK et al.

Merits. Cause called. Christopher J. Kondon argues for appellants. Benjamin A. Nix argues for respondent. Cause submitted.

CIVIL MARK MINKES et al.
No. v.
G032082 MELINDA RHODES et al.

Merits. Cause called. Charles L. Birke argues for appellants. Edward B. Batista argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O'Leary, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL CONSUMER CAUSE, INC.
No. v.
G032175 EMERGING VISION, INC.

Merits. Cause called. Morse Mehrban made no appearance for appellant. Barry R. Levy argues for respondent. Cause submitted.

CIVIL DOMINIQUE MERZ et al.
No. v.
G032263 MARKEL INSURANCE COMPANY

Merits. Cause called. Stephen L. Weber argues for appellants. Todd E. Verbick argues for respondent. Cause submitted.

CIVIL MARY YU-MEI CHOU
No. v.
G031291 JOESKY CHOU

Merits. Cause called. Tonnie Cheng argues for appellant. Marjorie G. Fuller argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 23, 2004 (Cont'd)**

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| CIVIL No. G031366 | NANETTE L. SMITH v. DAVID LUIPPOLD | Not for publication |
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Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

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| CIVIL No. G031221 | JOHN MICHAEL ROTH v. L.A. DOOR COMPANY; NUTRILITE PRODUCTS | Not for publication |
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Sills, P.J.
Rylaarsdam, J.